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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,391	11/09/2001	Sheng-Shing Li	PP/1-22278/P5/CGC 2069	2361
7590 01/10/2007 Patent Department Ciba Specialty Chemicals Corporation 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591-9005			EXAMINER CHOI, PETER Y	
			ART UNIT 1771	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/045,391	Applicant(s) LI ET AL.	
	Examiner Peter Y. Choi	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-12,17-19 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-12,17-19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL ACTION

1. Applicants' remarks of October 26, 2006, have been received and are persuasive as to the 35 U.S.C. 102(e) and 35 U.S.C. 103(a) rejections based on USPN 6,146,757 to Mor.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-12, 17-19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,348,736 to Patel in view of USPN 6,146,757 to Mor.

Claims 1, 2, 10, 11, and 17-19 remain rejected as substantially set forth in the Non-Final Rejection of July 24, 2006, section 5.

Regarding claims 7 and 8, Patel does not appear to teach a polyolefin fiber or filament wherein the compounds of component (b) are present from about 0.1% to about 15%, or from about 1% to about 7%, by weight based on the polyolefin of component (a). Since Patel is silent with regards to specific materials, it would have been necessary and thus obvious to look to the prior art for conventional materials. Mor provides this conventional teaching showing that it is known in the art to combine a wetting agent with polyolefin fibers, the fibers or filaments containing about 1 to about 20 percent by weight of a combination of the first wetting agent and a second wetting agent (column 7 lines 53-67, column 8 lines 1-5, column 9 lines 65-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to form a polyolefin fiber or filament of Patel comprising from about 0.1% to about 15%, or from about 1% to about 7%, of component (b), as taught by Mor, motivated by the expectation of successfully practicing the invention of Patel.

Regarding claims 9 and 12, Patel does not appear to teach a bicomponent fiber comprising a polyolefin component wherein the polyolefin component comprises a melt blend comprising components (a) and (b), and a woven or nonwoven fabric comprising bicomponent fibers. Since Patel is silent with regards to the specific composition of the fabric, it would have been necessary and thus obvious to look to the prior art for conventional materials. Mor provides this conventional teaching showing that it is known in the art to combine a wetting agent with polyolefin fibers, where the composition of the fibers and wetting agent can be a blend component for other fibers in a woven, nonwoven or knitted fabric, made of preferably a polyolefin such as polyethylene or polypropylene (column 13 lines 28-33). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the fibrous material in Patel with bicomponent fibers to form a nonwoven or woven fabric, as taught by Mor, motivated by the expectation of successfully practicing the invention of Patel.

Regarding claim 25, Patel does not appear to teach a fiber or filament further comprising a stabilizer selected from the group consisting of hindered amine light stabilizers, phenolic antioxidants, phosphites or phosphonites, hydroxylamines, benzofuranones and hydroxyphenylbenzotriazole, hydroxybenzophenone or tris-aryls-s-triazine UV absorbers. However, Mor teaches adding a phosphite antioxidant and stabilizer to permit high temperature processing while not materially interfering with the properties of the wetting agent in the composition (column 10 lines 25-53). Therefore, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to add the phosphite antioxidant motivated by the desire to make a fabric which will be more durable when processed without materially interfering with the properties of the wetting agent.

Response to Arguments

4. Applicants' arguments filed October 26, 2006, have been fully considered but they are not persuasive. Applicants have submitted remarks and a Rule 132 Declaration by Dr. Gande comparing UNITHOX 420 to UNITHOX 480 and 750, arguing that UNITHOX 420, which is equivalent to the claimed compound (b), displays superior water absorption or wettability.

Examiner respectfully disagrees. First, Patel teaches using an ethoxylated alcohol, which will normally contain between 18 to 54 carbon atoms and up to about 20 ethoxy groups per mole (columns 3 and 4). The preferred alcohol is UNILIN 425 which comprises about 30 carbon atoms (column 3 lines 64-67). Additionally, the derivatives of the UNILIN's may be employed (column 4 lines 11-20). While Patel does not teach the exact structure of the ethoxylated UNILIN 425, the non-patent literature entitled "The Use of UNILIN Alcohols in the Formation of Ethoxylates and Their Properties" by the Petrolite Specialty Polymers Group, teaches that a derivative of UNILIN 425 ethoxylate may contain 10-80% of ethylene oxide to form the ethoxylate alcohol consisting of 1, 2, or 4 monomers of ethoxy groups. As Patel teaches that the ethoxy groups may comprise up to about 20 ethoxy groups per mole, and the non-patent literature teaches that a derivative of UNILIN 425 may contain 1, 2 or 4 monomers of ethoxy groups, UNILIN 425 is deemed to read on the claimed invention.

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Second, the Rule 132 Declaration by Dr. Gande is not persuasive. Applicants argue that UNITHOX 420 has superior liquid absorption capacity when compared to UNITHOX 480 and UNITHOX 750. However, neither of these ethoxylated alcohols are taught nor disclosed in the prior art. As ethoxylated UNITHOX 425 contains about 30 carbon atoms and may contain 1, 2, or 4 ethoxy groups, or up to about 20 ethoxy groups as taught in the prior art, neither UNITHOX 480 nor UNITHOX 750 is analogous to the ethoxylated UNITHOX 425. UNITHOX 480 exceeds the number of ethoxy groups and UNITHOX 750 exceeds the number of carbon atoms. As set forth above, the ethoxylated derivative of UNITHOX 425 appears to be analogous to the claimed UNITHOX 420. Therefore, the Declaration is not persuasive as it does not show that UNITHOX 420 has superior liquid absorption capacity when compared to UNITHOX 425.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Y. Choi whose telephone number is (571) 272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

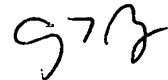
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Y. Choi
January 3, 2007



ANDREW PIZIALI
PRIMARY EXAMINER